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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,773	11/21/2003	Erik N. Steen	135273 (553-1042)	2896
45436 7590 07/28/2008 DEAN D. SMALL THE SMALL PATENT LAW GROUP LLP 225 S. MERAMEC, STE. 725T ST. LOUIS, MO 63105				
EXAMINER				
PRENDERGAST, ROBERTA D				
ART UNIT		PAPER NUMBER		
2628				
MAIL DATE		DELIVERY MODE		
07/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/719,773

Applicant(s)

STEEN, ERIK N.

Examiner

ROBERTA PRENDERGAST

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-12 and 15-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Ulka Chauhan/
Supervisory Patent Examiner, Art Unit 2628

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues, with regards to claim 1, that the Burr reference teaches wherein continuous LODs are rendered using triangle cycles/fans that are of higher quality than the triangle strips used in conventional techniques and thus explicitly distinguishes the methods described therein from methods that use triangle strips as specifically recited in claim 1 thereby teaching away from using triangle strips. Examiner respectfully submits that applicant's claim recites the limitation of a series of triangle strips that form a triangle strip and that share at least one common vertex, this "triangle strip" is by definition a triangle fan since a "conventional" triangle strip having three or more triangles would not be comprised of triangles sharing at least one common vertex. Examiner further submits that Application does not explicitly claim that the triangle strip is formed by "conventional methods" as argued only that the series of triangles form a triangle strip and share a common vertex. Applicant then argues, with regard to claim 16, that the rendering geometries of Burr are not changed based on depth but that interim meshes are changed to maximize some quality criterion such as error to an original mesh and cites column 11, lines 39-50 to support this argument. Examiner respectfully submits that the cited portion of Burr referenced in the arguments deals with "conventional" progressive mesh methods. Burr teaches wherein a cycle-preserving progressive mesh is encoded as a base mesh and a sequence of mesh modification records such that during run-time evaluation the modification records are interpreted to perform either a refinement or decimation operation depending on whether the mesh level of detail is increasing or decreasing, see column 13, lines 30-46, and further teaches wherein the level of detail is based on the distance to the viewer, which is understood by those of ordinary skill to be represented as a depth value, see column 1, lines 19-20. Applicant teaches that since the series of triangles in the triangle strip define a curved surface or a plane then each vertex index is also considered to define a curve surface or a plane and thus substantial memory may be saved by adding a new index set that refers to a common set of vertex data and that defines a new plane or curved surface to be employed as the rendering geometries, see paragraph [0058] and [0062]. Since the level of detail in Burr is based on the distance to the viewer and the triangle strips of applicant's invention define a curved surface or a plane that are employed as the rendering geometries, then changing the level of detail of the mesh defined by the triangle cycles/fans of Burr based on the distance to the viewer teaches a plurality of rendering planes defined by one of a plurality of sets of rendering geometries, wherein each set of geometries defines at least one different rendering plane for one of a different depth and curved surface. Applicant then argues, with regards to claim 25, that the stereoscopic display of Schoolman teaches that the left and right stereoscopic components are generated from different angles, not from different viewing directions as recited in claim 25 and that different angles may be generated from the same viewing direction. Examiner respectfully submits that since the specification teaches rendering a volume from a first viewing direction and then rendering a volume from a "slightly" different viewing direction such that the two renderings may be viewed through stereoscopic or three dimensional viewing glasses, see paragraph [0066]. Schoolman teaches wherein a stereoscopic three dimensional imaging computer reconstructs three dimensional models of the image data from multiple ultrasound slices from two stereoscopically related angles such that the system comprises a pair of image channels, one for the left stereoscopic image component and one for the right wherein each image channel includes a three dimensional display processor which reconstructs ultrasound image data to form three dimensional model of the anatomical structures and selects the required data to display the structures represented from a selected viewpoint or perspective, see column 5, lines 8-14 and 26-44, wherein the right and left three dimensional display processors display the stereoscopic components on corresponding right and left video display devices of a stereoscopic viewer that are mounted in a head worn harness, see column 6, lines 41-51, thus teaching that the "angles" are derived from "slightly" different viewpoints as taught in the specification and claimed in claim 25.